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**Attorneys for Defendant Robata Grill and Sushi,  
Limited Partnership**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD SKAFF )  
Plaintiff, ) No. C08-01384 - EMC  
v. )  
SHELTER POINT EQUITIES, LTD; )  
ROBATA GRILL AND SUSHI LIMITED )  
PARTNERSHIP; and DOES 1 -20, )  
inclusive, )  
Defendants. )  
)  
**DECLINATION TO PROCEED  
BEFORE A MAGISTRATE JUDGE  
AND REQUEST FOR REASSIGNMENT  
TO A UNITED STATES DISTRICT  
JUDGE**

**REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: May 9, 2008

LIPPENBERGER, THOMPSON, WELCH  
SOROKO & GILBERT LLP

By Carl Lippenberger  
Carl Lippenberger  
Attorneys for Defendant Robata Grill and Su  
Limited Partnership

1                   **PROOF OF SERVICE BY MAIL**

2                   I, Nessa West, declare:

3                   I am employed in the County of Marin; my business address is 201 Tamal Vista  
4                   Boulevard, Corte Madera, California 94925. I am over the age of 18 years and not a party to  
the foregoing action. On the date set forth below, I served the attached documents:

5                   **DECLINATION TO PROCEED BEFORE A MAGISTRATE  
6                   JUDGE AND REQUEST FOR REASSIGNMENT TO A  
7                   UNITED STATES DISTRICT JUDGE**

8                   X         (by United States Mail) on all parties in said action, in accordance with Code of  
9                   Civil Procedure Section 1013, by placing a true copy thereof enclosed in a sealed  
10                  envelope in a designated area for outgoing mail, addressed as set forth below. At  
11                  Lippenberger, Thompson, Welch, Soroko & Gilbert LLP, mail placed in that  
12                  designated area is given the correct amount of postage and is deposited that same  
13                  day, in the ordinary course of business, in a United States mailbox in the City of  
14                  Corte Madera, County of Marin, California.

15                  \_\_\_\_\_(by facsimile delivery) by personally delivering a true copy thereof to the person  
16                  and at the fax number set forth below.

17                  \_\_\_\_\_(by Overnight Delivery) by depositing a true copy thereof in a sealed packet for  
18                  overnight mail delivery, with charges thereon fully prepaid, in an Overnight  
19                  Delivery Express collection box, at Corte Madera, California, and addressed as  
20                  set forth below.

21                  Sidney J. Cohen  
22                  Sidney J. Cohen Professional Corp  
23                  427 Grand Avenue  
24                  Oakland, CA 94610

25                  Peter Flaxman, Esq.  
26                  Attorney at Law  
27                  591 Redwood Highway, #2275  
28                  Mill Valley, CA 94941

29                  I declare under penalty of perjury and the laws of the United States that the foregoing is  
30                  true and correct. Executed May 9, 2008, at Corte Madera, California.

31                    
32                  Nessa West